

## **REMARKS/ARGUMENTS**

### **1. Drawings**

In view of the fact that the Office Action is silent with respect to the Drawing filed with the application, applicants deem that the drawings have been accepted.

### **2. Claims**

Claims 1, 2, 4-6, 9-13 and 26-29 remain in the application. Claims 1 and 13 have been amended herein. Claim 2 has been canceled. Claims 5, 9 10 27 and 29 have been withdrawn have been withdrawn as a result of an earlier restriction requirement. Claims 11-12, 26 and 28 are also withdrawn from consideration on the basis of the Examiner's objection that the claims are mutually exclusive with regard to the base claims in view of the fact that they require the a non-stoichiometric ratio whereas the base claim requires a stoichiometric ratio.

In view of the Examiner's earlier restriction requirement, applicants retain the right to present claims 5, 9 10 27 and 29 in a divisional application.

In view of the Examiner's objection to claims objection recited above, applicants reserve the right to present claims 11-12, 26 and 28 in a divisional application.

Claim 1 has been amended by incorporation of the subject matter of claim 2.

### **3. 35 USC § 112 Rejections**

Regarding claims 1 and 2, the Examiner states that "it is unclear whether "R" is supposed to be R(subscript 3) [that is, R<sub>3</sub>] or signify three (3) "R" groups attached to Si. Applicants here state that "R<sub>3</sub>" signifies the presence of three (3) R groups attached to Si as would be understood by one skilled in the art after reading the specification, specifically Paragraph [0021] line 6 *et seq*, and also after reading Paragraph [0026], lines 6-9, where specific examples are give. One skilled in the art would also understand that three (3) "R" groups are present in view of the knowledge that a name such as "(trialkylsiloxy)" in "tris(trialkylsiloxy)alkoxymetal signifies a quadrivalent Si atom with three (3) r groups and an -O- atom,, that is a "R<sub>3</sub>SiO" group.

The Examiner also indicates that in claim 13 there is no antecedent basis for the use of the phrase "the organometallic compound." Applicants have corrected this error by

amending the claim to read “. . .the compound of formula  $(R_3SiO)_iM(OR')_k$ ”, referring back to the formula given in the base claim.

Claim 1 has also been amended by replacing the work “growing” with the word “depositing”. to overcome the objection concerning the preamble of the claims.

THEREFORE, in view of the foregoing amendment to Claims 1, 2 and 13, applicants submit that the §112 rejection have been overcome.

#### **4. 35 USC §103(a) Rejections**

Claim 1 is ejected as being unpatentable over Levene 3,640,093 in view of Suto 4,414,012 and Official Notice for reasons set forth in the Office Action.

Applicants submit that the rejection is moot in view of the Examiner's indication that Claims 2, 4,6 and 13 would be allowable is rewritten to overcome the §112 rejection and to include all the limitations of the base claim and any intervening claims.

Applicants have amended claim 1 by incorporation of the subject matter of claims. Claims 4, 6 and 13 depend from amended claim 1.

#### **5. Allowed Claims/Subject Matter**

Applicant notes with appreciation that the Examiner has indicated the subject matter of claims 2, 4, 6 and 13 are patentable, and would be allowable if rewritten in independent form to incorporate the subject matter of the base claim and any intervening claims. This has been done as explained above In Item 4.

#### **6. Conclusion**

Based upon the above amendments, remarks, and papers of records, applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Applicants have petitioned herein for a one (1) month extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and requests that the Patent office grant such petition. The Patent Office is hereby authorized to charge the necessary


Appl. No.: 10/608,580  
Amdt. Dated: November 8, 2005  
Reply to Office Action of: August 3, 2005

fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

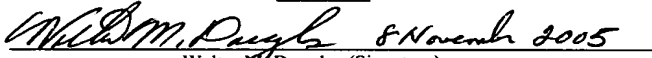
Please direct any questions or comments to applicants' undersigned attorney ,  
Walter M. Douglas at (607) 974-2431.

Respectfully submitted,

DATE: 8 November 2005

  
Walter M. Douglas  
Attorney for Assignee  
Reg. No. 34,510  
Corning Incorporated  
SP-TI-03-1  
Corning, NY 14831  
Tel: 607-974-2431  
Fax: 607-974-3848

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8:** I  
hereby certify that this paper and any papers referred to herein are  
being deposited with the U.S. Postal Service, as first class mail,  
postage prepaid, addressed to the Commissioner of Patents,  
Alexandria, Va 22313-1450 on 8 November 2005

  
Walter M. Douglas (Signature)